



AN INTELLECTUAL PROPERTY FIRM
26895 Aliso Creek Road, Suite B-104, Aliso Viejo, CA 92656

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SEP 11 2003

Special Program Unit
Group 2700

FACSIMILE TRANSMITTAL SHEET

TO:	Ms. Krista M. Zele	FROM:	Jeffrey C. Wilk
COMPANY:	United States Patent & Trademark Office	DATE:	9/11/2003
FAX NUMBER:	(703) 746-5919	TOTAL NO. OF PAGES INCLUDING COVER:	40
PHONE NUMBER:	(703) 305-4701	SENDER'S REFERENCE NUMBER:	CX97002USR
RE:	Method and Apparatus for Training Linear Equalizers in a PCM Modem	YOUR REFERENCE NUMBER:	09/849,501

☐ URGENT ☒ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

NOTES/COMMENTS:

Dear Ms. Zele:

Per our telephone conversation yesterday morning, I'm faxing a copy of the Reconsideration of the Holding of Abandonment our office both mailed and faxed to the USPTO on June 17, 2003, together with the related Auto-Reply Facsimile Transmission from the USPTO. The following is a brief summary of the status of this case:

The patent application was filed on May 4, 2001. On December 12, 2002, we mailed a Response to a non-final Office Action mailed September 4, 2002. Included with the Response was an Extension of Time Request under 37 CFR § 1.17(a)(1), with a check in the amount of \$110.00 for the extension fee (which check was cashed by the USPTO on December 26, 2002).

On May 27, 2003, the USPTO mailed a Notice of Abandonment, indicating that no reply to the Office Action had been received by the USPTO. On June 17, 2003, we responded to the Notice of Abandonment by mailing and faxing to the USPTO the attached Reconsideration of the Holding of Abandonment.

I've also included a list of the documents being sent in this fax. Thank you for your assistance in getting this matter resolved.

<p>Certificate of Transmission</p> <p>I hereby certify that this correspondence (along with any paper referred to as being attached or enclosed) is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (703) 746-5919 on September 11, 2003.</p> <p><i>Jeffrey C. Wilk</i> Jeffrey C. Wilk</p>
--

Respectfully submitted,

Jeffrey C. Wilk
Jeffrey C. Wilk
USPTO Reg. No. 42,227

THE ECLIPSE GROUP

26895 ALISO CREEK ROAD, SUITE B-104, ALISO VIEJO, CA 92656

PATENT
Docket No. CX97002USR (97RSS022)
09/849,501

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Bjarnason et al.

OLD DOCKET NO.: 09785980-0095
97RSS022

NEW DOCKET NO.: CX97002USR

SERIAL NO.: 09/849,501

GROUP ART UNIT: 2631

DATE FILED: May 4, 2001

EXAMINER: Emmanuel Bayard

INVENTION: "METHOD AND APPARATUS FOR TRAINING LINEAR
EQUALIZERS IN A PCM MODEM"

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LIST OF DOCUMENTS RE:
RECONSIDERATION OF NOTICE OF ABANDONMENT

1. Auto-Reply Facsimile Transmission from USPTO dated June 18, 2003;
2. Copy of received self-addressed postcard sent from the USPTO on the Reconsideration of the Holding of Abandonment mailed June 17, 2003;
3. Certificate of Transmission under 37 CFR 1.8(A).
4. Reconsideration of the Holding of Abandonment (2 pages);
5. Copy of received self-addressed postcard sent from the USPTO on the Response to the Office Action mailed on December 12, 2002 (1 page);
6. Copy of filed Fee Sheet mailed on December 12, 2002 (1 page);
7. Copy of filed Transmittal Form for the Response to Office Action (1 page);
8. Copy of filed Check No. 1603 in the amount of \$110.00 for a one-month extension of time;
9. Copy of filed One-month Extension of Time (1 page);
10. Copy of filed Response to the Office Action mailed on December 12, 2002 (pp. 2-27); and
11. Notice of Abandonment mailed on May 27, 2003 (2 pages).

Respectfully submitted,
Bjarnason et al.

By: Jeffrey C. Wilk, Reg. 42,227
Jeffrey C. Wilk
Phone: (949) 448-4910
Fax: (714) 948-8903

06/18/03 02:44:35

USPTO->

(714)948-8903 RightFAX

Page 001

TO: Auto-reply fax to (714)948-8903

COMPANY:

Auto-Reply Facsimile Transmission



UNITED STATES
PATENT AND
TRADEMARK OFFICE

TO:

Fax Sender at (714)948-8903

Fax Information

Date Received:

Total Pages:

6/18/03 2:31:10 AM [Eastern Daylight Time]
35 (including cover page)

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Group 2700

ADVISORY: This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMPEP) section 306 et seq.

Received
Cover
Page
=====>

For: Examiner: Bernard E. 703-305-8501 From: Francisco Rubio Via Facsimile Pg 1/25 06-18-03 01:51 PM

AN INTELLECTUAL PROPERTY FIRM

FACSIMILE TRANSMISSION SHEET

TO: Examiner: Bernard E. 703-305-8501 Patent and Trademark Office	FROM: Francisco A. Rubio-Campes
DATE: 6/17/2003	
TO: The Folger Group	
FAX NUMBER: 703 305 8508	TELEPHONE NUMBER: 703 305 8508
TELEPHONE: 703-305-8575	TELEPHONE: 703-305-8575
RE: Response to Notice of Abandonment	TELEPHONE: 703-305-8575

☒ J. RUBIO ☐ K. RUBIO ☐ P. RUBIO ☐ M. RUBIO ☐ R. RUBIO

ACKNOWLEDGMENT:

We acknowledge receipt of the following:

1. Certificate of Transmission (1 page);
2. Reconsideration of the Holding Of Abandonment (2 pages);
3. Copy of received full address and postal code from the USPTO on the Response to the Office Action dated 6/12/2003 (1 page);
4. Copy of the USPTO Short Notice on 12/12/2003 (1 page);
5. Copy of the Transmittal Form for the Response to the Office Action (1 page);
6. Copy of the check LNO in the amount of \$110.00 for a one month extension of time (1 page);
7. Copy of the One Month Extension of Time (1 page); and
8. Copy of the Office Action Response to the Office Action dated 12/16/02 (27 pages).

34332 ALISO CREEK ROAD, SUITE B 114, ALISO VIEJO, CA 92614

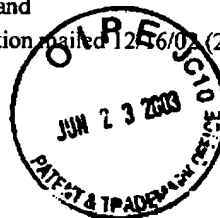
Received from: (714)948-8903 at 9/11/03 3:06:09 PM [Eastern Daylight Time]

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SEP 11 2003
Special Program Unit
Group 2700

Client Name: Conexant Systems, Inc.
Client & Matter Number: CX97002USR
Title: Method and Apparatus For Training Linear Equalizers In A PCM Modem

Please acknowledge receipt of the following:

1. Reconsideration of the Holding Of Abandonment (2 pages);
 2. Copy of received self-addressed postcard sent from the USPTO on the Response to the Office Action mailed 12/12/2002 (1 page);
 3. Copy of filed Fee Sheet mailed on 12/12/2002 (1 page);
 4. Copy of filed transmittal Form for the Response to the Office Action (1 page);
 5. Copy of filed check 1063 in the amount of \$110.00 for a one-month extension of time (1 page);
 6. Copy of filed One-month Extension of Time (1 page); and
 7. Copy of filed Office Action Response to the Office Action mailed 12/16/02 (27 pages).
 8. Certificate of Mailing (1 page)
- Mailed: June 17, 2003



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Special Program Unit
Group 2700

PATENT
97RSS022
CX97002USR
09/849,501

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Elias Bjarnason OLD DOCKET NO.: 09785980-0095-97RSS022
NEW DOCKET NO.: CX97002USR
SERIAL NO.: 09/849,501 GROUP ART UNIT: 2631
DATE FILED: May 04, 2001 EXAMINER: Bayard, Emmanuel
INVENTION: "METHOD AND APPARATUS FOR TRAINING LINEAR
EQUALIZERS IN A PCM MODEM"

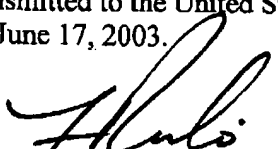
June 17, 2002

Hon. Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8(A)

I, Francisco A. Rubio-Campos, certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (703) 305 - 9508 on June 17, 2003.


Francisco A. Rubio-Campos

6/17/03
Date

PATENT
97RSS022
CX97002USR
09/849,501

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Elias Bjarnason OLD DOCKET NO.: 09785980-0095-97RSS022
NEW DOCKET NO.: CX97002USR
SERIAL NO.: 09/849,501 GROUP ART UNIT: 8697
DATE FILED: May 04, 2001 EXAMINER: Bayard, Emmanuel
INVENTION: "METHOD AND APPARATUS FOR TRAINING LINEAR
EQUALIZERS IN A PCM MODEM"

June 17, 2003

Hon. Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

RECONSIDERATION OF THE HOLDING OF ABANDONMENT

The present amendment responds to the Notice of Abandonment mailed on May 27, 2003. Claims 1-29 are currently pending in the present application. Applicants respectfully request that the Examiner please reconsider the holding of abandonment on the present application because Applicants believe that the mailed Notice of Abandonment was improper on the basis that there was no abandonment in fact.

In support of Applicants' position, Applicants are faxing and mailing (via first-class mail) to the Examiner a copy, of the herein attached documents, of the previously filed Response to the Office Action mailed September 4, 2002 along with a copy of the received self-addressed postcard from the United States Patent and Trademark Office (the "USPTO"). The Response to the Office Action was timely filed on December 12, 2002 with a certificate of mailing and a one-month extension of time request under 37 CFR 1.17(a)(1) plus the corresponding one-month extension fee. The received self-addressed postcard is stamped as received by the USPTO on December 18, 2002 and shows that the response to the Office Action was mailed by Applicants on December 12, 2002 with a check (check number 1063) in the amount of \$110.00 for the one-month extension of time. The check was cashed by the USPTO on December 26, 2002.

97RSS022

1

PATENT
97RSS022
CX97002USR
09/849,501

Therefore, Applicants respectfully submit that there was no abandonment in fact because the Response to the September 4, 2002 mailed Office Action was properly responded to and filed by Applicants. As a result, Applicants respectfully request that the Examiner please withdraw the improper Notice of Abandonment and please reconsider the identified present application in view of the Response to the Office Action. Applicants believe that no new matter has been added by this amendment.

Respectfully submitted,
Elias Bjarnason

By: , Reg. 45,358

Francisco A. Rubio-Campos

Phone: (949) 448-4910

Fax: (714) 948-8903

The Eclipse Group
26895 Aliso Creek Road
Suite B-104
Aliso Viejo, CA 92656-5301

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Special Program Unit
Group 2700

Client Name: **Conexant Systems, Inc.**

Client & Matter Number: **CX97002USR**

Title: **METHOD AND APPARATUS FOR TRAINING LINEAR EQUALIZERS IN A PCM
MODEM**

Serial# 09/849,501 Filing Date: May 4, 2001

Please acknowledge receipt of:

8. Return addressed postcard with postage.
9. Certificate of Mailing (1 page).
10. Transmittal Sheet (1 page).
11. Fee Calculation Sheet (1 page).
12. Response to Office Action dated 09/04/02 (27 pages)
13. Check #1063 in the amount of \$110.00.
14. Extension of Time request (1 page).



Mailed: **December 12, 2002**

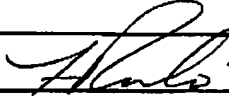
PTO/SB/21 (08-00)


Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/849,501	
	Filing Date	05/04/2001	
	First Named Inventor	Elias Bjarnason	
	Group Art Unit	8697	
	Examiner Name	Bayard, Emmanuel	
Total Number of Pages in This Submission	33	Attorney Docket Number	09785980-0095-97RSS022

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input checked="" type="checkbox"/> Fee Attached	<input checked="" type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input checked="" type="checkbox"/> Extension of Time Request	<input checked="" type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application	Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Francisco A. Rubio-Campos, USPTO Reg. 45,358
Signature	
Date	12/12/2002

CERTIFICATE OF MAILING			
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: December 12, 2002			
Typed or printed name	Francisco A. Rubio-Campos		
Signature		Date	12/12/2002

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

From Francisco Rubio

Via Email Pg 11/40 09-11-03 01:55 PM

FRANCISCO A. RUBIO
8 PLATEAU
ALISO VIEJO, CA 92656

80-7172/395
3222
040013860515
Date Dec 13, 2002

1063

Pay to the order of

Pay to the order of Heartbeat Commission for Roberts \$ 110.00
One hundred and ten Dollars ☒ cents
 citibank

Dollars **100** **100**

THE CITIBANK PRIVATE BANK
CITIBANK, F.S.B.
787 W. 5TH ST., 28TH FLOOR
LOS ANGELES, CA 90071
Memo / *North East of Cygms?*

Memo / month Est for C99702 USR

040013853515" 1063

PTO/SB/17 (10-01)
Approved for use through 10/31/2002. OMB 0851-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.


FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

Complete if Known	
Application Number	09/849,501
Filing Date	05/04/2001
First Named Inventor	Elias Bjarnason
Examiner Name	Bayard, Emmanuel
Group Art Unit	8697
Attorney Docket No.	09785980-0095-97RSS022

TOTAL AMOUNT OF PAYMENT	(\$ 110.00
-------------------------	------------

<h3 style="text-align: center;">METHOD OF PAYMENT</h3> <p>1. <input type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:</p> <p>Deposit Account Number </p> <p>Deposit Account Name </p> <p><input type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17</p> <p><input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27</p> <p>2. <input type="checkbox"/> Payment Enclosed:</p> <p><input checked="" type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money Order <input type="checkbox"/> Other</p> <h3 style="text-align: center;">FEE CALCULATION</h3> <p>1. BASIC FILING FEE</p> <table border="1" style="width: 100%;"><thead><tr><th>Large Entity</th><th>Small Entity</th><th>Fee Code (\$)</th><th>Fee Code (\$)</th><th>Fee Description</th><th>Fee Paid</th></tr></thead><tbody><tr><td>101</td><td>740</td><td>201</td><td>370</td><td>Utility filing fee</td><td></td></tr><tr><td>106</td><td>330</td><td>206</td><td>185</td><td>Design filing fee</td><td></td></tr><tr><td>107</td><td>510</td><td>207</td><td>255</td><td>Plant filing fee</td><td></td></tr><tr><td>108</td><td>740</td><td>208</td><td>370</td><td>Reissue filing fee</td><td></td></tr><tr><td>114</td><td>160</td><td>214</td><td>80</td><td>Provisional filing fee</td><td></td></tr><tr><td colspan="5" style="text-align: right;">SUBTOTAL (1)</td><td>(\$ 0.00</td></tr></tbody></table> <p>2. EXTRA CLAIM FEES</p> <table border="1" style="width: 100%;"><thead><tr><th>Total Claims</th><th>Extra Claims</th><th>Fee from below</th><th>Fee Paid</th></tr></thead><tbody><tr><td>Independent Claims</td><td>-20** =</td><td>X</td><td></td></tr><tr><td>Multiple Dependent Claims</td><td>-3** =</td><td>X</td><td></td></tr></tbody></table> <p>Large Entity Small Entity</p> <table border="1" style="width: 100%;"><thead><tr><th>Fee Code (\$)</th><th>Fee Code (\$)</th><th>Fee Code (\$)</th><th>Fee Code (\$)</th><th>Fee Description</th><th>Fee Paid</th></tr></thead><tbody><tr><td>103</td><td>18</td><td>203</td><td>9</td><td>Claims in excess of 20</td><td></td></tr><tr><td>102</td><td>84</td><td>202</td><td>42</td><td>Independent claims in excess of 3</td><td></td></tr><tr><td>104</td><td>280</td><td>204</td><td>140</td><td>Multiple dependent claim, if not paid</td><td></td></tr><tr><td>109</td><td>84</td><td>209</td><td>42</td><td>** Reissue independent claims over original patent</td><td></td></tr><tr><td>110</td><td>18</td><td>210</td><td>9</td><td>** Reissue claims in excess of 20 and over original patent</td><td></td></tr><tr><td colspan="5" style="text-align: right;">SUBTOTAL (2)</td><td>(\$ 0.00</td></tr></tbody></table> <p><small>**or number previously paid, if greater; For Reissues, see above</small></p>	Large Entity	Small Entity	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid	101	740	201	370	Utility filing fee		106	330	206	185	Design filing fee		107	510	207	255	Plant filing fee		108	740	208	370	Reissue filing fee		114	160	214	80	Provisional filing fee		SUBTOTAL (1)					(\$ 0.00	Total Claims	Extra Claims	Fee from below	Fee Paid	Independent Claims	-20** =	X		Multiple Dependent Claims	-3** =	X		Fee Code (\$)	Fee Code (\$)	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid	103	18	203	9	Claims in excess of 20		102	84	202	42	Independent claims in excess of 3		104	280	204	140	Multiple dependent claim, if not paid		109	84	209	42	** Reissue independent claims over original patent		110	18	210	9	** Reissue claims in excess of 20 and over original patent		SUBTOTAL (2)					(\$ 0.00	<h3 style="text-align: center;">FEE CALCULATION (continued)</h3> <p>3. ADDITIONAL FEES</p> <table border="1" style="width: 100%;"><thead><tr><th>Large Entity</th><th>Small Entity</th><th>Fee Code (\$)</th><th>Fee Code (\$)</th><th>Fee Description</th><th>Fee Paid</th></tr></thead><tbody><tr><td>105</td><td>130</td><td>205</td><td>65</td><td>Surcharge - late filing fee or oath</td><td></td></tr><tr><td>127</td><td>50</td><td>227</td><td>25</td><td>Surcharge - late provisional filing fee or cover sheet</td><td></td></tr><tr><td>139</td><td>130</td><td>139</td><td>130</td><td>Non-English specification</td><td></td></tr><tr><td>147</td><td>2,520</td><td>147</td><td>2,520</td><td>For filing a request for <i>ex parte</i> reexamination</td><td></td></tr><tr><td>112</td><td>920*</td><td>112</td><td>920*</td><td>Requesting publication of SIR prior to Examiner action</td><td></td></tr><tr><td>113</td><td>1,840*</td><td>113</td><td>1,840*</td><td>Requesting publication of SIR after Examiner action</td><td></td></tr><tr><td>115</td><td>110</td><td>215</td><td>55</td><td>Extension for reply within first month</td><td>110.00</td></tr><tr><td>116</td><td>400</td><td>216</td><td>200</td><td>Extension for reply within second month</td><td></td></tr><tr><td>117</td><td>920</td><td>217</td><td>460</td><td>Extension for reply within third month</td><td></td></tr><tr><td>118</td><td>1,440</td><td>218</td><td>720</td><td>Extension for reply within fourth month</td><td></td></tr><tr><td>128</td><td>1,980</td><td>228</td><td>980</td><td>Extension for reply within fifth month</td><td></td></tr><tr><td>119</td><td>320</td><td>219</td><td>160</td><td>Notice of Appeal</td><td></td></tr><tr><td>120</td><td>320</td><td>220</td><td>160</td><td>Filing a brief in support of an appeal</td><td></td></tr><tr><td>121</td><td>280</td><td>221</td><td>140</td><td>Request for oral hearing</td><td></td></tr><tr><td>138</td><td>1,510</td><td>138</td><td>1,510</td><td>Petition to institute a public use proceeding</td><td></td></tr><tr><td>140</td><td>110</td><td>240</td><td>55</td><td>Petition to revive - unavoidable</td><td></td></tr><tr><td>141</td><td>1,280</td><td>241</td><td>640</td><td>Petition to revive - unintentional</td><td></td></tr><tr><td>142</td><td>1,280</td><td>242</td><td>640</td><td>Utility issue fee (or reissue)</td><td></td></tr><tr><td>143</td><td>460</td><td>243</td><td>230</td><td>Design issue fee</td><td></td></tr><tr><td>144</td><td>620</td><td>244</td><td>310</td><td>Plant issue fee</td><td></td></tr><tr><td>122</td><td>130</td><td>122</td><td>130</td><td>Petitions to the Commissioner</td><td></td></tr><tr><td>123</td><td>50</td><td>123</td><td>50</td><td>Processing fee under 37 CFR 1.17(q)</td><td></td></tr><tr><td>126</td><td>180</td><td>126</td><td>180</td><td>Submission of Information Disclosure Stmt</td><td></td></tr><tr><td>581</td><td>40</td><td>581</td><td>40</td><td>Recording each patent assignment per property (times number of properties)</td><td></td></tr><tr><td>146</td><td>740</td><td>246</td><td>370</td><td>Filing a submission after final rejection (37 CFR § 1.129(a))</td><td></td></tr><tr><td>149</td><td>740</td><td>249</td><td>370</td><td>For each additional invention to be examined (37 CFR § 1.129(b))</td><td></td></tr><tr><td>179</td><td>740</td><td>279</td><td>370</td><td>Request for Continued Examination (RCE)</td><td></td></tr><tr><td>189</td><td>900</td><td>189</td><td>900</td><td>Request for expedited examination of a design application</td><td></td></tr><tr><td colspan="5">Other fee (specify) _____</td><td></td></tr><tr><td colspan="5" style="text-align: right;">SUBTOTAL (3)</td><td>(\$ 110.00</td></tr></tbody></table> <p><small>*Reduced by Basic Filing Fee Paid</small></p>	Large Entity	Small Entity	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid	105	130	205	65	Surcharge - late filing fee or oath		127	50	227	25	Surcharge - late provisional filing fee or cover sheet		139	130	139	130	Non-English specification		147	2,520	147	2,520	For filing a request for <i>ex parte</i> reexamination		112	920*	112	920*	Requesting publication of SIR prior to Examiner action		113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action		115	110	215	55	Extension for reply within first month	110.00	116	400	216	200	Extension for reply within second month		117	920	217	460	Extension for reply within third month		118	1,440	218	720	Extension for reply within fourth month		128	1,980	228	980	Extension for reply within fifth month		119	320	219	160	Notice of Appeal		120	320	220	160	Filing a brief in support of an appeal		121	280	221	140	Request for oral hearing		138	1,510	138	1,510	Petition to institute a public use proceeding		140	110	240	55	Petition to revive - unavoidable		141	1,280	241	640	Petition to revive - unintentional		142	1,280	242	640	Utility issue fee (or reissue)		143	460	243	230	Design issue fee		144	620	244	310	Plant issue fee		122	130	122	130	Petitions to the Commissioner		123	50	123	50	Processing fee under 37 CFR 1.17(q)		126	180	126	180	Submission of Information Disclosure Stmt		581	40	581	40	Recording each patent assignment per property (times number of properties)		146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))		149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))		179	740	279	370	Request for Continued Examination (RCE)		189	900	189	900	Request for expedited examination of a design application		Other fee (specify) _____						SUBTOTAL (3)					(\$ 110.00
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SUBMITTED BY		Complete (if applicable)	
Name (Print/Type)	Francisco A. Rubio-Campos	Registration No. (Attorney/Agent)	45,358
Signature		Telephone	(949) 448-9410
		Date	12/12/2002

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MELVIN K. SILVERMAN & ASSOC, P.C.
REG. PATENT ATTORNEY

FACSIMILE TRANSMITTAL SHEET

TO:

Examiner Zele

FROM:

Yi Li

COMPANY:

U.S. PATENT AND TRADEMARK
OFFICE

DATE: 9/11/03

COMPANY:

MELVIN K. SILVERMAN & ASSOCS., PC.

FAX NUMBER:

(703) 746-5919

FAX NUMBER

(954) 492-0087

PHONE NUMBER:

PHONE NUMBER

RE: SERIAL NO. 10/002,382

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Louis I Memran

NUMBER OF PAGES (including cover)

2

☐ URGENT

☐ FOR REVIEW

☐ PLEASE COMMENT

☒ PLEASE REPLY

☐ PLEASE RECYCLE

NOTES/COMMENTS:

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JUN. 4. 2003 5:38PM

SONNENSCHN

NO. 2846 P. 4



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/849,501	05/04/2001	Elias Bjarnason	09785980-0095-97RSS022	8697

7590 05/27/2003

Francisco Rubio-Campos Esq
Sonnenschein Nath & Rosenthal
601 S Figueroa Street
Suite 1500
Los Angeles, CA 90017

EXAMINER

BAYARD, EMMANUEL

ART UNIT

PAPER NUMBER

2631

DATE MAILED: 05/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

JUN. 4. 2003 5:38PM

SCHWENSCHEIN

NO. 2846 P. 5

Notice of Abandonment

Application No.

09/849,501

Examiner

Emmanuel Bayard

Applicant(s)

BJARNASON ET AL.

Art Unit

2631

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 04 September 2002.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.18, should be promptly filed to minimize any negative effects on patent term.

U.S. Patent and Trademark Office
PTO-1432 (Rev. 04-01)

Notice of Abandonment

Part of Paper No. 9